

KAV 5357

Temp. State Dept. No. 98-185

BENIN

Employment of dependents of official government employees

Agreement relating to the employment of dependents of official government employees. Effectuated by exchange of notes at Washington Sept. 22 and Dec. 3, 1998. Entered into force Dec. 3, 1998



*Embassy of the Republic of Benin  
To the United States of America  
2737 Cathedral Avenue N. W.  
Washington D.C. 20008  
Tel (202) 232-6556  
Fax (202) 265-1996*

N°497/ABW/CM/MC/PROT

The Embassy of the Republic of Benin presents its compliments to the Department of State and has the honor to propose that, on a reciprocal basis, dependents of employees of the United States Government assigned to official duty in Benin and dependents of employees of the Government of Benin assigned to official duty in the United States be authorized to be employed in the receiving country.

For the purposes of this agreement "dependents" shall include :

- Spouses;
- Unmarried dependent children under 21 years of age ;
- Unmarried dependent children under 23 years of age who are in full time attendance as students at a post-secondary educational institution ; and

Unmarried children who are physically or mentally disabled.

For the purposes of this agreement, "employees of the Benin Government" and "employees of the United States Government" means persons assigned to diplomatic and consular positions as well as persons assigned to missions accredited to international organizations, and includes the administrative and technical members of the staff of such missions, but not members of the service staff.

In the case of dependents who seek employment in the United States, an official request must be made by the Embassy of Benin in Washington to the office of Protocol in the Department of State. Upon

verification that the person is a dependent of an official employee of the Government of Benin and processing of the official request, the Embassy of Benin will be informed by the Government of the United States that the dependent has permission to accept employment.

In the case of dependents who seek employment in Benin, an official request must be made by the United States Embassy in Cotonou to the Protocol Section of the Ministry of Foreign Affairs. Upon verification that the person is a dependent of an official employee of the United States Government, the United States Embassy will be informed by the Protocol Section that the dependent has permission to accept employment.

No restriction will be placed on the type of employment that may be undertaken. It is understood, however, that in positions where particular qualifications are required, it will be necessary for the dependent to meet those qualifications.

Dependents who obtain employment under this agreement and who have immunity from the jurisdiction of the receiving country in accordance with Article 31 of the Vienna Convention on Diplomatic Relations or in accordance with the Convention on the Privileges and Immunities of the United Nations, or any other applicable international agreement, do not enjoy immunity from civil and administrative jurisdiction with respect to matters arising out of such employment. Such dependents are also liable to pay all taxes and other deductions which may lawfully be due on any remuneration received as a result of employment in the receiving state.

In the event that a dependent who has immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations or any other applicable international agreement is accused of a criminal offense committed in relation to his or her employment, the sending state will give serious consideration to any written request that may be submitted by the receiving state for the waiving of such immunity.

The Government of Benin further proposes that, if these understandings are acceptable to the Department of State, this note and the Government of Benin's reply concurring therein shall constitute an Agreement between our two Governments which shall enter into force on

**the date of that reply note. This Agreement shall remain in force until ninety days after the date of the written notification from either Government to the other of intention to terminate.**

**Embassy of Benin**

**Washington, D.C. September 22nd, 1998**

The Department of State refers the Embassy of the Republic of Benin to the Embassy's diplomatic note Number 497/ABW/CM/MC/PROT dated September 22, 1998, proposing a reciprocal bilateral work agreement for employment of family members of official Embassy employees. The Department of State confirms that the referenced note together with this reply constitutes an agreement which shall enter into force on December 3, 1998, and shall remain in force until ninety days after the date of the written notification from either government to the other of its intention to terminate.

Department of State,

Washington, December 3, 1998 *JB*

